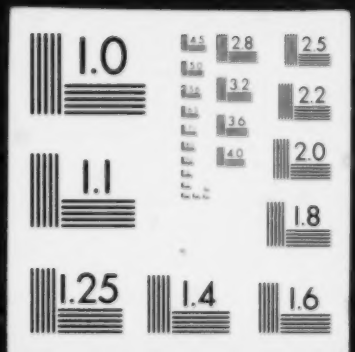
1.0
1.1
1.25
1.4
1.6
2.8
3.2
3.6
4.0
2.5
2.2
2.0
1.8

Four-Year Report

July 2005 to June 2009

ALBERTA LAW REFORM INSTITUTE

EDMONTON ALBERTA

FOUR-YEAR REPORT

July 2005 to June 2009

ISSN 0229-6276
ISBN 1-896078-50-8

Dedicated to Advancing Just and Effective Laws Through Independent Legal Research, Consultation and Analysis

The Institute of Law Research and Reform was established in 1968 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta. The new name "**Alberta Law Reform Institute**" (ALRI) was adopted in 1989.

Funding for the Institute comes primarily from the Department of Justice and the Alberta Law Foundation. The University provides the Institute with office premises and many additional services, including a cash grant.

The objectives of the Institute set out in the Founding Agreement are as follows:

RESEARCH
To conduct and direct research into law and the administration of justice.

RECOMMEND
To consider matters of law reform with a view to proposing to the appropriate authority the means by which the law may be made more useful and effective.

PROMOTE
To promote law research and reform.

COOPERATE
For the purposes described above, to work in cooperation with the Faculty of Law of the University of Alberta, the Faculty of Law of the University of Calgary, and with others.

Program

The Institute's program is the delivery of law reform proposals. It does so by specific projects.

Project Selection Criteria

The rationale for the choice of projects includes a number of component principles:

- each project must meet a perceived community need by providing a remedy for a deficiency in the law or in the administration of justice.

- a project must be one that neither the political process nor the administrative process is likely to deal with effectively.

- each project must be one that falls within the capability of the Institute, as a group of lawyers acting with the best available advice from segments of the public and from law and other disciplines.

- the total program must make contributions both to technical areas of law and to areas of law involving social policy.

We Need You

Law reform must be an interactive process. We consult closely and continuously with our intended audience, initially to identify appropriate projects, and later to obtain feedback on issues and proposals. The quality of our product is directly related to our ability to recognize the needs of our audience, and to provide a sensitive response to them.

As of June 2009

Board:

Dr. C.G. Amrhein
Professor N.D. Bankes
A.S. de Villars, Q.C.
Hon. Judge N.A. Flatters
W.H. Hurlburt, Q.C.
H.J.L. Irwin, Q.C.
P.J.M. Lown, Q.C.
Hon. Justice A.D. Macleod
J.S. Peacock, Q.C.
Hon. Justice B.L. Rawlins
Professor and Vice-Dean W.N. Renke
N.D. Steed, Q.C.
D.R. Stollery, Q.C.
Hon. Justice N.C. Wittmann, ACJ, Chair

Legal Staff:

P.J.M. Lown, Q.C., Director
S. Petersson, Research Manager
D.W. Hathaway
C. Hunter Loewen
J.D. Larkam
M.E. Lavelle (on leave)
E.C. Robertson
G. Tremblay-McCaig
William H. Hurlburt, Q.C., Consultant

Administrator:

C. Burgess

Support Staff:

I. Hobin
J. Koziar
M. Welton

Research Assistants:

K. Conner
K. Streeper

The Institute's office is located at:

402 Law Centre
University of Alberta
Edmonton AB
CANADA T6G 2H5

Telephone: (780) 492-5291

Fax: (780) 492-1790

Internet Address:
reform@alri.ualberta.ca

Website:
http://www.law.ualberta.ca/alri

Tribute to Lyndon Irwin, Q.C.
ALRI Board Member – 1986 to 2009

Although this report covers ALRI activity from July 2005 to June 2009, before publication, on the August long weekend, we received some very sad news. Lyndon Irwin, one of our longest serving Board members, passed away suddenly.

Lyndon recently retired from active practice and was engaged in pro bono work. This allowed time for the roles he enjoyed so much – as father and grandfather.

His contributions to ALRI have been enormous. His breadth of knowledge was not limited to his areas of specialty in property issues. His attention to detail was legendary. Most recently Lyndon served as part of our three-person "Council" helping to supervise the Rules Project, and was with ALRI on a part-time consulting basis. He was a reliable and positive Board member, always ready and willing to take on administrative tasks, and always with an eye to the objectives and best interests of the Institute.

Most of all, he was a good person to be around – thoughtful, caring, considerate of others, intellectually adventurous, with considerable (though often hidden) artistic talents.

We will miss him immensely. We will miss not having been able to say goodbye, and to have recognized in person his dedication and contribution to ALRI over such a long time. The obituary that appeared in the Edmonton Journal perfectly captured the persona of our colleague. It is available on our website.

Personnel Changes – July 2005 to June 2009:

Board:
A. D. Fielding, Q.C., October 1999 to April 2006
Honourable Justice K. D. Yamauchi, September 2002 to June 2004

Legal Staff:
W. Gierulski, April 2006 to May 2007
L. Lis, February 2006 to April 2009
C. Martens, February 2002 to October 2005
S. Pearson, November 2003 to March 2007
H. Stout, November 2003 to November 2005

Research Assistants:
J. Bortnick, 2008
S. Brochu, 2006
A. Campbell, 2008
A. Jeffs, 2005
L. Kennedy, 2007
Dr. R. Krushelnitzky, 2008
K. Nychka, 2007
K. Patel, 2006
E. Viala, 2005
K. Wang, 2007

What We Do i
Program ii

Who We Are iii

Acknowledgments ix

The ALRI Process ..... Page 3
Projects – From Suggested Topic to Approved Project ..... Page 3
Categories of Publications ..... Page 4
Post Report Activity ..... Page 6

4 Years in Review ..... Page 7
2005 ..... Page 13
2006 ..... Page 19
2007 ..... Page 23
2008 ..... Page 27
2009 ..... Page 31

Publications Summary ..... Page 37

Work Program ..... Page 45
Administrative Procedures ..... Page 45
Contracts for the Sale and Purchase of Land ..... Page 45
Enduring Powers of Attorney (WCLRA) ..... Page 45
Insurance Act ..... Page 46
Matrimonial Property Act ..... Page 46
Multi-Jurisdictional Class Proceedings ..... Page 47
Privity of Contract ..... Page 47
Rules Project ..... Page 47
Succession Project – Beneficiaries ..... Page 48
Succession Project – Wills ..... Page 49
Surveys Act ..... Page 49
Title Insurance ..... Page 50
Uniform Enforcement of Judgments ..... Page 50

List of Publications ..... Page 51
FINAL REPORT ..... Page 51
REPORTS FOR DISCUSSION ..... Page 62
ISSUES PAPERS ..... Page 64
DISCUSSION PAPERS ..... Page 65
RESEARCH PAPERS ..... Page 66
CONSULTATION MEMORANDA ..... Page 68
PRACTICE MANUALS ..... Page 71
OTHER PUBLICATIONS ..... Page 72

One of ALRI's strengths is the support it receives from the founding parties to the continuing agreement through which ALRI exists.

The tripartite arrangement allows the Institute to provide independent law reform in an informed and connected context. We acknowledge with continuing gratitude the support of our founders, the Department of Justice, the Law Society of Alberta, and the University of Alberta. We would also like to knowledge the continuing financial support we receive from our funders, the Department of Justice, the Alberta Law Foundation and the University of Alberta.

In particular, over this time period, we have had the pleasure of working with Ministers Ron Stevens, Q.C. and Alison Redford, Q.C.; and Deputy Ministers Terry Matchett, Q.C. and Ray Bodnarek, Q.C. From the Law Society, we have benefited from the interest and support of Presidents, Mona Duckett, Q.C., Jim Peacock, Q.C., Perry Mack, Q.C. and Peter Michalyshyn, Q.C., as well as Executive Director, Don Thompson, Q.C.

At the University of Alberta, support for the Institute and close cooperation in completion of the affiliation process has come from Provost, Dr. Carl Amrhein, and Deputy Provost, Dru Marshall.

Finally, at the Law Foundation, we would like to thank Chair, Stephen Raby, Q.C. and Executive Director, David Aucoin, for their support both financially and institutionally.

Projects – From Suggested Topic to Approved Project

Through various sources, potential topics for research and law reform are brought to the attention of the Director. The Director and Counsel review and categorize the topics and Counsel identifies the critical research issues. Topic descriptions are prepared and presented to the Board for information and comment. The four general phases are:

1. Gather suggestions

- Thumbnail sketch of topic

2. Gauge interest of community and urgency of topic

3. Business Plan for Topic

- Resources
- Time
- Completion

4. Board Approval of Project

Once the project is approved and assigned, a number of features take on significance.

A Collaborative Approach

A project is a collaboration that requires the ALRI Board, the Project Management Committee, the Project Advisory Committee, Counsel and Administrative staff to develop and manage the project cohesively. The Project Management Committee is chaired by a Board member with a second Board member appointed to the committee. The Director assigns Lead Counsel and Co-Counsel. The Project Advisory Committee is established and populated with lawyers, representatives of interested organizations and members of the public.

Regular Progress Reporting

Progress reports should be available for the Project Management Committee, the Director and other interested parties on a regular basis. At critical stages the reporting frequency may be increased. Progress reports must provide the Project Management Committee with a working understanding of the overall plan and the progress made toward the plan.

A Consistent Format

ALRI has a preferred method of presentation for its publications and for materials prepared for Board meetings by Counsel.

Implementation Objectives

Identification of potential implementation objectives begins at the Feasibility Study phase. These objectives continue to take shape as a result of discussion amongst the Project Advisory Committee members regarding the project/research issues. Planning for achievement of these objectives usually commences not later than the final third of the Project phase.

Categories of Publications

While we tend to use different types of reports at different stages, the format is not rigid. Normally research papers merely share the results of our work. For example, our report on Recognition of Rights and Obligations in Same Sex Relationships was intended primarily to inform the ongoing debate. On the other hand, our report on Referees reviewed the history and proposed a practical change which was later implemented.

Normally our reports for discussion or consultation memoranda provide all the necessary background information for the reader to provide an informed response. Occasionally we will either update or replicate that information in a final report so as to make the recommendations a more coherent whole. For example, our Final Report on Surrogate Rules was fairly brief because it was complemented by the Practice Manual which we

prepared with the Legal Education Society of Alberta. Our report on Family Law was a companion piece to the new *Family Law Act* of Alberta. Our reports on Arbitration, Limitations, and Trustee Investment Powers are much fuller, and the annotated versions of the draft statute have proven very useful in the implementation process, and in the education process for the Bar once the legislation has been passed.

Finally, it is important to note the volume of reports which are now housed on our website, which provides a single entry point to the compendium of ALRI publications.

The five main types of documents produced by the Alberta Law Reform Institute are:

Research Paper
- Shared Data and Research
- Early Release

Issues Paper
- Develops Policy Issues
  Outlines Possible Solutions
- Seeks Comment and Consultation

Consultation Memorandum
- Focussed Policy Issues
- Identified and Discrete Audience
- Seeks Comment Prior to Final Proposals

Report for Discussion
- Issues and Background
- Proposed Solutions
- Seeks Comment before Proceeding

Final Report
- Considered Position
- Draft Legislation
- Submission for Action

Post Report Activity

Our work does not end with the final report. Significant post-report activity is involved in:

- explanations to "client" departments,
- response to legislative and drafting requests
- assistance to implementation groups
- presentation to legal profession

While reports are under consideration, we carry out a monitoring role to ensure that recommendations are kept up to date and other developments are taken into account.

The Rules Project

On November 17, 2000, the Institute Board made a decision that would have a profound effect on the Institute for several years. By accepting the invitation to take on a project to revise and rewrite the Rules of Court, the Institute committed to the largest, most comprehensive and challenging project in its 40 year history.

On November 28, 2008, the Chair, Mr. Justice Neil Wittmann, the Director, Mr. Peter Lown, and the Research Manager, Ms. Sandra Petersson, met with the Minister of Justice, the Honourable Alison Redford, and presented her with ALRI's final report on the rules. In a sparse 15 page narrative, the report describes both the process and the end product. The proposed new rules, the background research and the explanatory material are all included electronically in a compact disc which accompanies the hardcopy report.

By mid-2005, the majority of the policy development work on the rules content had been completed. Drafting instructions had been provided and individual drafts for individual pieces prepared. What lay ahead, and became the critical focus for the next four years, were the two tasks of: developing and moulding the work into a coherent whole; driving the product through the review process to completion.

During the period between 2005 and 2009, the Board held 39 meetings. On only 4 occasions did the Rules Project not appear on the agenda. Several special meetings, including multi-day meetings, were devoted exclusively to rules matters.

A very large project has at least two characteristics – it requires close control to avoid inappropriate and unchecked project creep; it attracts other activities that can be achieved at the same time as a major initiative. As drafting and refinement proceeded, ALRI was asked to engage in three complementary activities: to provide a roadmap for consequential

amendments to statutes and regulations (a significant project in and of itself); to prepare an index and guide to proposed new rules; and to advise on the educational process and content once implementation was fixed.

While these tasks and challenges became the main focus, other projects required attention, even though most of our capacity was being devoted to Rules or Rules related tasks. This was particularly problematic when the ebb and flow of the Rules Project was not as consistent and predictable as would have been comfortable.

Other Projects

The other projects that punctuate the Rules Project include our continuing work on Succession, new work on Administrative Powers and Procedures, a joint report of four Western provinces on Enduring Powers of Attorney, and a composite report on Court Jurisdiction and Recognition of Canadian and Foreign Judgments.

ALRI Administration

On the administrative side, the newly created position of Legal Research Manager has become an integral part of our operations. In addition, the Board has rationalized its standing committees and reviewed succession plans for possible changes in Board membership. Finally, the Board has settled the wording of a mission statement for the Institute.

40th Anniversary

Most important, in the middle of this frenetic pace, ALRI took time to celebrate its 40th anniversary with a public lecture in Edmonton and a dinner recognizing those who have assisted over 40 years in allowing ALRI to play the prominent role it has in law reform in Alberta. In particular, the occasion allowed for the recognition of the special and continuing contribution of Bill Hurlburt in various categories over all of those 40 years.

Recognising the common nature of work carried out by Alberta Justice lawyers and legislative planners in other Government departments, ALRI, in conjunction with its 40th anniversary celebrations, organized the first Policy Lawyers' Forum. The purpose of the forum was to bring together a community of lawyers involved in similar work, facing similar issues and challenges who, however, have minimal opportunity for contact and networking. Over 30 lawyers attended the first half-day event, and subsequent events have proved both popular and useful.

Other Highlights

Several other achievements deserve special recognition. In August of 2005, Margaret Shone retired after 35 years of service as counsel to the Institute. Margaret was appointed as the first counsel emeritus. Two Board members, Justice Rawlins and Mr. Irwin reached the remarkable plateau of 20 years service on the Institute Board.

As part of its ongoing review of operations, the Board retained the firm of Calder Bateman to review Institute communications and to make recommendations for a revised and updated communications strategy. The report was reviewed and accepted by the Board. As a first initiative, the Institute website is undergoing significant revision and reconstruction to set the stage for more focussed and timely communication.

In January of 2009, the Institute hosted volunteer recognition functions in both Edmonton and Calgary. These events recognized the amazing contribution of a very large number of volunteers to the 12 different working groups and other associated committees which had assisted in the Rules Project. In addition to their recognition in the final report, each volunteer received a print which had been prepared for the occasion. The print is of a painting by Mr. Robert Sinclair. The Institute has purchased the painting and, with Mr. Sinclair's consent, a limited number of prints have been produced exclusively for each volunteer.

Student Researchers

ALRI has always employed two or more student researchers during the summer months. Recently we have extended their employment on a part-time basis through the school year. Recognizing the benefit of this added capacity, ALRI has developed a process of integration and project training that has allowed students to play a meaningful and integral role in our projects.

We have been fortunate in the quality of our student researchers, and their experience with ALRI appears to have had a positive influence on their post-graduation employment. We are pleased to observe their performance in their firms and clerking with the Federal Court and the Supreme Court of Canada. We look forward to their future contribution to the legal community.

Affiliation Agreement

When the founding agreement was created over 40 years ago, it was a remarkably prescient and simple agreement. However, the context of an institute housed within a university has changed considerably. It therefore became necessary to supplement the founding agreement with an agreement designating ALRI as an affiliated institute within the University of Alberta. This is a new process, complicated by the fact that it proceeded at the same time as new collective agreements for trust employees were coming into force. With goodwill, and a great deal of effort, the affiliation process was completed by the deadline of June 30, 2009. We acknowledge, in particular, the work of Brad Hamdon, University General Counsel, Dru Marshall, Deputy Provost, and Sandra Petersson, ALRI Research Manager.

What follows is a brief summary of activities for each of the years from 2005 to 2009.

The Institute has played a remarkable role in the law and administration of justice in Alberta and it continues to aspire to the lofty goals upon which it was established.

Rules, rules, rules, rules, rules, rules.....
Rules, rules, rules, rules, rules, rules.....

The Rules Project

For the past several years the Rules Project has had a dominant impact on all of the Institute's operations. This year is no different. In fact, if anything, we reached an even more sensitive and crucial stage as much of the policy work has been completed and the drafting process has begun.

Consolidated Draft No. 6 was received in October and has undergone significant reorganization and re-ordering. At present, we have completed about ½ of the thorough review of the content of the rules and about 3/4 of the rules are in initial draft form. The process has been slow and arduous and has involved a large number of people and many layers of contribution. In fact, we have reviewed the overall process with the drafter and will be examining some changes in our process to attempt to increase the pace and reduce the investment of resources from the current rate.

We have tried to create a paper record of all of the research, the consultation documents, the policy recommendations, the feedback on the policy recommendations, the final policy positions reached, the drafting instructions given to the drafter and the workbench improvements to the draft as we have progressed.

As we complete drafts, we have tried to involve the Rules of Court Committee in a review of our drafts. We had hoped for, and even strenuously invited, the Rules of Court Committee to participate in our Steering Committee and in our management process, but unfortunately that did not happen. Once we had early drafts available, we hoped to be able to circulate sections of the drafts for review by the Rules of Court Committee. We set what has proved to be a rather ambitious schedule for Rules of Court

Committee review, but it appears that the timetable for the process was too tight, and the background materials which the Rules Committee requested were somewhat overwhelming. We have spent a significant portion of time attempting to address this issue and to determine how the Institute can assist, within the context of its project, with the due diligence that the Rules Committee feels it must do with respect to the Institute draft and proposals. Discussions continue as to how the "due diligence" of the Rules Committee can be carried out as quickly and efficiently as possible, consistent with the Rules Committee's mandate.

Statute Amendments

As a result of the new rules, it will be necessary to make a significant amount of consequential statutory amendments. For example, in the area of enforcement, we have recommended rationalizing the location of provisions between the statute, the regulations and the Rules of Court. This statutory drafting is not part of the Rules Project. We hope that steps can be taken to ensure that the necessary work will be done in a way that does not significantly delay the project.

Personnel

We have had some changes in personnel. At the Board level, the Associate Deputy Minister, Peggy Hartman was seconded to a different government department, and as a result her spot as one of the two Attorney General's nominees on the Board was taken by Nolan Steed, the head of the Policy and Analysis Division. This is an important link between the Institute and the Department.

On the staff side, Hilary Stout completed her 15 month stint as our Calgary counsel during Cynthia Martens' study leave. Cynthia Martens returned from her study leave but stayed only a very short time before resigning from the Institute. After an extensive search, we were fortunate to be able to hire Maria Lavelle from the Department of Justice and Foreign Affairs in Ottawa, and Maria has settled in well since her arrival in early

August. In the Edmonton office, we have two significant changes. First, we bid a partial farewell to Margaret Shone who retired from the Institute effective August 31 after 35 continuous years of service. This is a most remarkable achievement. Margaret will be our first counsel emeritus and we will be holding a public function to honour Margaret's contributions sometime in the latter part of November. Sheryl Pearson has decided to divide her time between working for the Institute and doing contract work. That arrangement commenced at the beginning of September.

We are now placing advertisements for two positions. The first is a counsel position which will replace the half-time position created by Margaret Shone's retirement. Margaret will work part-time on project work for the next two years and that will free us up to allow the hiring of a junior position. In addition, Sheryl Pearson's half-time position will give us slightly more flexibility in the level of that counsel appointment. We will also be advertising for a director of research, which will hopefully take some of the load off the Director's office.

Other Projects

In addition to the Rules Project, we have continued to work on a selection of other projects, including succession and the valuation date in matrimonial property. Smaller amounts of work have been done in the areas of structured settlements and future income plan exigibility. Work has also been done through the Uniform Law Conference of Canada (ULCC) on national class actions, limitations in insurance contracts, and enforcement of protection orders. Some preparatory work has been completed in anticipation of the implementation of the uniform acts on enforcement of Canadian judgments and decrees, enforcement of foreign judgements, and court jurisdiction and proceedings transfer. Finally, we continue to review some outstanding reports to determine if they are still appropriate for implementation. Preliminary work has been done on Final Report No. 79, Powers and Procedures for Administrative Tribunals, and additional work

has been done through the Uniform Law Conference on our longstanding Report No. 46 on Trade Secrets.

We continue to revise our project management through the Project Management Guide and through our project selection process. This summer significant work was done to improve the way ALRI reviews potential projects and presents them to the Board. The new process provides for a much more rational and informed project selection process.

The process review which we undertook a few years ago, and our continued refinement of it, has been well received by other law reform agencies across the common law world who have asked for assistance and copies of the Guide. The effects of the Guide can be seen in some of the processes in the Law Commission for England and Wales, among others. It is also encouraging to see the more open and sharing communication between various agencies. Partially, this is as a result of the operation within Canada of the Federation of Law Reform Agencies of Canada, and across the commonwealth world by the Commonwealth Association of Law Reform Agencies. The Director serves on the Executive as Treasurer of both organizations. ALRI personnel have spoken at the Australasian meeting, the Commonwealth meeting and at the regional meeting of the Association of Eastern and Southern African Law Reform Agencies. The work of ALRI and its reputation are well received.

Other Highlights

From 2004 to late 2005, Board member, Lyndon Irwin, Q.C. acted as a consultant to the Institute in respect to the Rules Project and sat on several working committees.

In November, Alan Macleod was appointed to the Court of Queen's Bench. He no longer served as the Law Society representative to the Board, but remained on as a member-at-large.

In October, the Board held a planning retreat in Victoria. Among the topics discussed were: structural changes, Board structure, concept of an advisory council, relationship with government, communication strategy, and a 3-year business plan.

2006

The Rules Project

In 2005 the initial draft of the proposed new Rules of Court was completed. Since then the draft has undergone significant and detailed revisions.

The first six drafts were very much a compilation of the policy directions of a large number of working groups. The various versions of Draft 7, and subsequently Test Drafts 1 and 2, involved the refinement of a composite document. This involves a number of tasks: (i) ensuring that policy decisions are not changed in the transition to the composite document; (ii) adjusting the policy to make the fit with other parts more functional and comfortable; (iii) reviewing policy, where necessary, when the policy issue only becomes apparent when revising or reviewing the composite document.

A number of levels of review were carried out in this process. In late fall of 2005, all counsel participated in a lengthy series of meetings to review Draft 6. Action points were reviewed by counsel and, if necessary, taken back to appropriate working groups. A second round of review by the drafting committee produced Draft 7. Finally, the document was subjected to a line-by-line review by the Board, which generated over 200 action points for further review by counsel. At the same time, Part 10 (Costs), was developed, reviewed and integrated. In addition, appropriate updates to Part 4 (Managing Litigation) were inserted and reviewed. Progress has been substantial and the dedication of all those involved has been remarkable.

In mid-September, Test Draft 2 was provided to the Rules of Court Committee. An updated Part 10, litigation plans (standard and simple), and an amended Schedule 2 (tariff of recoverable fees) was later given to the Committee. By end of November, Draft 3 incorporated all the proposed

amendments and housekeeping issues arising from the various meetings. Work could then begin on the consequential statute amendments.

Beyond Rules

The last year has seen significant progress in preparing possible future projects. In the fall we reviewed the inventory of suggestions, and created a short list for preliminary assessment. We have now reviewed preliminary assessments on the following topics:

- service on motor vehicle defendants;
- assisted reproduction and family law;
- privity of contract;
- administrative appeal procedures;
- high ratio mortgages;
- registration and name changes for children;
- *Surface Rights Act* issues;
- partnership law.

We will return to work updating our proposals on administrative procedures.

Once again, our plate will be full and more so. However, our project selection process will allow the Board to make confident decisions to adopt or not adopt a project. Implementation of the business plan will allow more timely response to demand.

Personnel Changes

Last year, we recorded the retirement of a longtime senior counsel, and the move to part-time of another counsel. Fortunately, we were able to add Maria Lavelle in Calgary, and to acquire two additional more junior counsel in Edmonton. Leah Lis joined us from Alberta Motor Association insurance, and Witek Gierulski joined us from the Court of Queen's Bench. On March 1, Sandra Petersson took on the position of Research Manager, reducing her counsel work to half-time.

Margaret Shone continues to do half-time project work, and Sheryl Pearson is on maternity leave until March 1, 2007.

At the Board level, Alan Fielding resigned due to his retirement from practice, Nolan Steed moved to a secondment at the Executive Council, and Justice Alan Macleod moved to Board member-at-large from his Law Society of Alberta position. As a result, we welcomed Jim Peacock, President-elect of the Law Society of Alberta, and Jeanette Fedorak from Alberta Justice.

Future Plans

This is a crucial time for the Institute. The fate of the Law Commission of Canada demonstrates that the world of law reform can sometimes be fickle. We appreciate the supportive network within which the Institute operates. The business plan is our proposal to make an even better contribution to that environment. Once Alberta Justice is committed, we will be able to move ahead with the rational organic growth proposed in the business plan.

Other Highlights

In May 2006, Doug Stollery, Q.C. left the firm of Reynolds Mirth Richards and Farmer to take up a new position as general counsel to PCL Constructors.

The Board held a special two-day meeting in May to undertake a thorough review of the draft rules of court (Test Draft 1). A 39 page chart of action points and their suggested resolution resulted from that review.

June marked the 20th year of Board membership for Justice Bonnie Rawlins and Lyndon Irwin.

ALRI and the Department of Justice organized the annual meeting of the ULCC in Edmonton, August 20 to 24, 2006.

Rules, Rules, Rules and More Rules

This might well be the summary of the impact of a multi-year project that consumes a substantial portion of Institute energy and time. However, during the last year we have reached a number of milestones. The first was to produce Test Draft 3 and put it out for review by our working groups. This was the first time that a more polished composite product was put out for critical review and the feedback was very positive. We were also able to begin the process of detailed review by the Rules of Court Committee. This process has been at times painstaking or sensitive, but always thorough. All of these levels of review have contributed to an improvement of the product and the eventual rules will be better for them.

The review by the Rules of Court Committee has been completed with respect to the first five parts; the next five parts are partially complete, and the remaining four parts will be completed by the end of the year. At that point we expect to produce a revised draft taking into account all of the comments from the Rules of Court Committee, all of the comments from our working groups, and suggestions from the public received while the Test Draft was posted on our website for review.

We are also well underway with respect to the consequential amendments. The first major task was to identify all of the necessary amendments and in order to do so we developed a search process to produce the necessary data. The Institute will be responsibility for drafting all of the consequential amendments except those relating to the *Civil Enforcement Act and Regulations*, which will be the responsibility of Legislative Counsel.

While the timeframe has been necessarily expanded, by internalising much of our costs, we remain on budget. We have not yet estimated whether there will be any costs around the launch of the new Rules.

Flexibility is essential when dealing with a large project involving a large number of volunteers, and other stakeholders who each have their own processes to follow. Forcing deadlines would impact negatively both on the quality of feedback and on the support of the stakeholders. The Institute has to find the appropriate combination of direction, control, and leadership to ensure that the project is completed.

Strategic Initiatives

In October 2005, the Board met at a planning retreat to review the operations of the Institute and set future directions. As a result of that meeting necessary strategic initiatives were identified in three areas: rational expansion of capacity; governance issues; communications and relationships.

The Board highlighted communications as the essence of ALRI activity. We must listen to comments and recommendations as part of our consultation process and articulate our recommendations to government. A central performance indicator of how well our communication process works is implementation. We retained the firm of Calder Bateman to advise us on this matter and they produced a very pragmatic and comprehensive report for the Institute dealing both with communications and its impact on our relationship with various stakeholders. We are now in the process of implementing those recommendations. The report provided specific activities for us to engage in and measure, and provided a direction with respect to the use of our website as a major public forum.

On the matter of governance, it became clear that while the three-party agreement had served the Institute well for 40 years, it was necessary to clarify the status and role of the Institute. As a result, we have drafted legislation that will create the Institute as an entity and provide a shell under which the operations of the Institute would be governed by the founding agreement. The founding agreement requires renewal every five years, and has been signed by the Law Society.

The University has instituted a new policy respecting centres and institutes. This policy differentiates between University controlled internal institutes and affiliated institutes which are governed by an independent Board and are not controlled by the University. ALRI is designated as an affiliated institute. However, the University takes the position that all employees are University employees and are therefore governed by the applicable University collective agreement. In addition, those institutes which use University processes and facilities must follow appropriate University procedures. Once the affiliation process is complete the founding agreement can be signed.

Projects Generally

We have moved to a new phase in the Rules Project. We are no longer servicing the various working groups but are trying to fine-tune the draft based on the drafting instructions provided by the working group. To some extent our work has been internalized. We have tried to concentrate work in the Director's office, in order to allow counsel to commence work on other projects. We have made significant progress in project selection and description, continued work on our succession project, and updated our administrative procedures project among others. We continue to play a leadership role in various projects under the umbrella of the Uniform Law Conference and to support the joint projects approved under the Western Canada Law Reform Agencies. All of this has been achieved while we have a suffered through significant renovation activities in both Edmonton and Calgary, carried out a hiring process in both locations, and supported activities of both the Federation of Law Reform Agencies of Canada and the Commonwealth Association of Law Reform Agencies.

This has been a stressful period of time. The Rules Project is at a sensitive phase, the enthusiasm of the business plan must be matched by the practicalities of implementation, the process of agreement renewal is the subject of novel issues and processes. The report by Calder Bateman started with an important positive – the Institute is well respected, its reputation is

that it carries out its objectives with high quality. What it does it does well. The recommendations were for fine-tuning not re-creating. That message was a very positive reinforcement and is one that we want to pass on to our funders. The Law Foundation has supported the Institute in a crucial and generous way. We are confident that we have and will continue to provide value for investment that matches the objectives of both the Foundation and the Institute.

Other Highlights

In June 2007, the Board welcomed back Nolan Steed as departmental representative, while he was still with the Executive Council. He has since taken up a position as the Executive Director of Constitutional and Aboriginal Law and Legislative Reform.

In November, Professor Wayne Renke was appointed Vice-Dean of the Faculty of Law.

Witek Gierulski resigned from the Institute in May to take up a position with the Department of Justice.

In August, Cheryl Hunter Loewen joined the Institute from Stantec. In October Jamie Larkam and Geneviève Tremblay-McCaig joined the Institute at the Calgary offices at the University of Calgary – Jamie from Thompson Carswell and Geneviève from the University of Sherbrooke.

2008

Completion of the Rules Project

Since the release of Test Draft 3 in March of 2007 we have continued to monitor and incorporate feedback into the preparation of the final product. All of that material has been incorporated into Test Draft 4, and at the same time we have developed a series of prescribed forms to be used in conjunction with the rules. A final and detailed review of the proposed rules has been carried out by the Drafting Committee, by Institute counsel, by the Institute Board and by the Steering Committee. Several final edits and checks and cross checks have been carried out. We have prepared a final report describing both the process and the end product. The report also includes a significant amount of material in electronic format on a compact disc accompanying the report.

This will bring to an end the longest and most intensely consultative project that the Institute has ever carried out.

Other Activity

The final report for the four Western Provinces with respect to Enduring Powers of Attorney was written by ALRI counsel and released simultaneously in July in all four Western Provinces. This is the first truly joint project of Canadian law reform agencies.

We continue to work on the Succession Project, concentrating on the areas covered by the *Wills Act*. Our Report for Discussion on the Creation of Wills has been issued and feedback is being assembled. A further Report for Discussion on Revocation and Alteration of Wills is almost ready for publication.

On the topic of Privity of Contract, we prepared a background paper for the 2007 meeting of the Uniform Law Conference of Canada. That was followed by a project feasibility paper prepared for the 2008 Conference.

ALRI counsel chaired, provided background research and wrote the feasibility paper for the working group. The recommendation not to proceed with a Uniform Project on Privity of Contract was accepted.

With the encouragement of the Department of Justice, we were able to make proposals on the three uniform statutes relating to Enforcement of Judgments in Canada, Enforcement of Foreign Judgments, and Court Jurisdiction and Proceedings Transfer. This trilogy of statutes has already been implemented in some other provinces. In Alberta the intention was to connect all three. As a result, we prepared a final report along with updates and amendments to the three draft statutes, suitable for implementation in Alberta.

On the topic of Administrative Procedures, we have updated our model code of provisions for adoption by administrative tribunals. This updates our previous report and takes into account the consultations which we carried out after the previous report. This new report has just been distributed to a broad group of administrative bodies in Alberta.

Significant other preparatory work has taken place in the area of trusts, surveys, adverse possession, beneficiary designations, privacy, and apology legislation among others.

Significant contributions in terms of management and program content have been made to the annual meeting of the Uniform Law Conference of Canada in both 2007 and 2008, the co-hosting of the Federation of Law Reform Agencies of Canada by annual meeting in 2007, and the organization of the Commonwealth Association of Law Reform Agencies meeting in 2007. An ALRI representative also attended the Australasian Law Reform Agencies Conference in 2008.

We have continued to work on the communication strategy that formed part of our previous business plan and is the subject of

recommendations from the consultant who was retained to review our communications issues and strategies. Some of these initiatives have been partially implemented pending completion of the Rules. We have also integrated the Research Manager position as a significant component of how we adopt, manage and supervise the ongoing products. We now have a monthly review of our project progress at the Board level.

In all of our activity we rely heavily on the joint support which all the Institutes and Centres receive for their IT and infrastructure needs. Our IT capabilities have become an essential part of our research, writing, communication and consultative operations.

40th Anniversary

During the year under review we were fortunate to be able to celebrate 40 years of Institute existence and productive activity. The highlights of that celebration were a public lecture presented by Mr. Justice Michael Kirby of the High Court of Australia, and a Policy Lawyers' Forum which we organized for all departmental legal personnel involved in policy development. The latter was the first of its kind held in Alberta. In addition, a celebratory dinner recorded the involvement of many people who have made significant contributions to the Institute including, in particular, a touching tribute to Bill Hurlburt who has occupied almost every position in the Institute and continues to make a most positive and meaningful contribution as Board member and Special Counsel.

Founding Agreement

The founding agreement has now been signed by the Department of Justice (with an amended description of funding commitments) and the Law Society of Alberta, and has been forwarded to the University of Alberta for execution. We are concurrently continuing arrangements so as to integrate the Institute into the University of Alberta requirements for affiliated Institutes. In addition, the contract of the Director has been renewed for a further five-year term commencing August 1, 2008.

This has been a busy, productive and somewhat stressful year. The call has gone out for all hands on deck, and all hands have contributed mightily and positively. We will have a certain glow of satisfaction in completion of the Rules Project which should be genuinely enjoyed. It will also allow us to breathe a sigh of relief and take a longer-term view of how we manage projects and choose our inventory for the next few years. Board and staff will be involved in this process in a retreat at the end of October where we will have an opportunity to reflect and plan for the future.

On behalf of the Institute and all of its constituents, I am extremely proud of the achievements and the product represented by the conclusion of the Rules Project. I hope that the Foundation, as a significant funder of that project and of ongoing Institute activity, is equally satisfied.

Other Highlights

In January 2008, Professor Keith Yamauchi was appointed to the Court of Queen's Bench and resigned from the Board.

In June, Professor Nigel Bankes joined the Board as Justice Yamauchi's replacement representing the University of Calgary, Faculty of Law.

The Board and staff held a retreat in Victoria in October, after which the ALRI mission statement was adopted –

Dedicated to Advancing Just and Effective Laws Through Independent Legal Research, Consultation and Analysis

The Rules Project

Our Final Report No. 95 was presented to the Minister in November 2008. As the report notes, the project was the largest, most comprehensive, and most expensive project ALRI has ever undertaken. The final report outlined the process, proposed new rules, and provided all the background information and consultation memoranda on an accompanying disc.

There are two remaining parts to the Rules Project: one relating to civil appeals, on which we expect to present our proposals to a Court of Appeal Committee in late November; and the other on criminal appeals, a topic which follows a different route requiring Federal Government involvement.

At the time of our final report the Rules of Court Committee also presented a report to the Minister. For the last two years we have been involved with the process of the Rules of Court Committee reviewing our proposals. When the Minister received the two reports, she communicated to each body her desire that we investigate a consensus on three issues. That has been done, and the consensus proposal is now before the Rules of Court Committee for approval. Unanimous Board approval has been given, and once the Committee approval is available, a joint submission will be made to the Minister. At that time, all the trial rules, except family rules (which are the responsibility of the Department) will be ready for implementation.

Consequential amendments to statutes and regulations have been completed and reports have been submitted to the Department and are under review. Legislation dealing with consequential statutory amendments was introduced in the spring session and will be dealt with in the fall 2009 session.

The Rules Project has been a colossal effort by both counsel, Board and volunteers. The level of detail at which comment and review has taken place, and for which amendments to statutes and regulations have been prepared, is frightening. However, as an Institute we have learned invaluable lessons from the process, which we are now implementing. Other agencies are interested in the experience and what they may gain from our information.

Early this year we were able to hold volunteer appreciation events in Edmonton and Calgary, to thank those members of the working groups and committees who had contributed so significantly to the completion of the Rules Project. Eighty-five individuals were recognized and a small but unique token of appreciation provided to them. While important, the recognition pales in comparison with the 30,000 hours invested by these volunteers. The individual names are recorded in the final report, so that they may take some pride in the completion of this project.

The Succession Project

No sooner had we briefly enjoyed the euphoria of delivering the final rules report to the Minister, than we realized that we had to plan another large project. Our ongoing Succession Project was originally planned in two phases, with our final report to be complete by the end of the year 2010. However, the Department of Justice decided to combine the phases into one consolidated statute to be introduced in the spring of 2010. This necessitated a significant rejigging of the project and reassignment of topics to various counsel. The timing of the various elements is as follows: creation of wills is complete; revocation and alteration revised and about to be reviewed by the Board; lapse, ademption, abatement, extrinsic evidence, children, and transition provisions will be complete by year end. Our previous work on intestate succession, the order of payment of debts, matrimonial property on death and dispensing power are all to be worked into the overall statute. Eight different counsel have been involved in one or more elements.

Board Matters

In the fall of 2008, the Board held a planning retreat in which it reviewed issues relating to communication, governance and board succession. Significant progress was made in each area. In particular, this year saw the first full operation of a formal Audit Committee. Appropriate demarcation was made between the Audit and the Finance Committee. A Board Succession Committee has reviewed the commitment of all Board members, begun a process of identifying potential Board members, and developed a position description which will assist in the process of information and recruitment.

In the communication area, the process of website revision is underway, including the difficult determination of the appropriate mix between electronic and hardcopy publication. Finally, the Board was able to agree upon a statement which encapsulates the objectives of the Institute. It is: "Dedicated to advancing just and effective laws through independent legal research, consultation and analysis."

The Law Reform Community

We continue our work with the Federation of Law Reform Agencies of Canada, participating in the design and operation of its meeting in March in Victoria. In addition, the Director was instrumental in the planning of the Commonwealth Association of Law Reform Agencies meeting in conjunction with the major meeting of the Commonwealth Law Association in Hong Kong in April. ALRI (or the Director) acts as treasurer to both organizations.

In April, we hosted the Executive Director of the newly formed Samoa Law Reform Commission. The visit provided a whirlwind introduction to process, materials and administrative issues – all essential to a newly formed agency starting from scratch. We have continued to provide materials, comments on draft publications and organizational issues to the Samoa Law Reform Commission.

Affiliation with the University of Alberta

A number of factors and circumstances have made it necessary for the University to articulate in some detail its relationship with various centres and institutes within the University. Some are integral parts of faculties, while others, such as ALRI, are independent organizations in which the University has some representation and which are housed at the University. As a result of the adoption of the centres and institutes policy, it became necessary to enter into an affiliation agreement with the University with respect to the housing of ALRI at the University and the use of University services for human resource and finance purposes. The founding agreement was signed some 40 years ago in somewhat simpler times, although, as the affiliation agreement was being negotiated, its simplicity was somewhat attractive. However, despite the fact that this was the first such agreement for the University and for ALRI, we were able to conclude the process and the agreement by the end of June. The agreement includes a license agreement with respect to space and maintenance of that space; provisions dealing with the appointment and terms of conditions of employees; provisions relating to the intellectual property of the Institute; and provisions relating to various aspects of risk management for ALRI activities.

As a result of the completion of the affiliation agreement, the University was in a position to sign the founding agreement. The founding agreement has now been signed by all three parties and will be in effect until 2012.

The Broader Community

Coordination of the work of law reform agencies is now better developed both through the Federation of Law Reform Agencies and through the Uniform Law Conference of Canada. In particular, the Uniform Law Conference, through its Advisory Committee on Program Development and Management, chaired by the Director, has developed project selection criteria, project management guidelines, and is currently

developing implementation and communication protocols. In addition, cooperative projects with the Mexican Uniform Law Institute, the Uniform Law Conference of the United States, and the Standing Committees of Attorneys General (for Australia and New Zealand) are under review.

Personnel

We have had no changes to our support staff. They continue to provide the Institute with amazingly effective service. One of the enduring benefits of the Rules Project is the coordination of support and counsel services in a way that ensures that projects and advisory groups run smoothly.

In our counsel capacity, Leah Lis moved to a position with Service Alberta, Elizabeth Robertson joined the Institute in its Edmonton office, and Maria Lavelle will return to the Calgary office after her two-year leave to work with the Canadian High Commission in Ghana.

We have previously noted the close connection between the work of the Institute and policy lawyers in both Justice and other departments. Indeed we have arranged policy lawyers' forums and these have been very well received. Shortening the timeframe for the Succession Project has also made it necessary to work closely with Department of Justice personnel to coordinate the work of both the Department and the Institute. Building on this close cooperation in both subject matter and function, we have arranged a secondment agreement with the Department, commencing in September 2009, during which a Department of Justice lawyer will come to the Institute for a one-year period, and two Institute counsel will return to the Department for shorter periods.

Finance

Recognizing the current economic times and the strictures faced by our funders, the Institute has taken a very cautious approach to its financial operations. In particular, we have been careful to avoid the creation of any

commitments which might not be sustainable on a medium or longer-term basis. Similarly, we have been careful to monitor regular expenditures to ensure careful and conservative stewardship of the funding which we have received. As a result, we have not filled expansion positions and will not do so, nor budget for them, in the next financial year. We have also eliminated from the budget, funding for certain activities until the planning for these activities is sufficiently well advanced to guarantee that they will occur. The logical consequence of this conservative approach is that certain funds will be unexpended, and therefore should be returned to the appropriate source. We think that this is the prudent course of action and is consistent with our stewardship responsibilities especially in difficult financial circumstances.

The 2010/2011 fiscal year will be a challenging time. All of our funders are under significant pressure and ALRI's own contingency planning will be tested. The confidence and goodwill of our funders is greatly appreciated and ALRI, as always, understands the necessity to ensure that scarce resources are appropriately and deliberately dedicated.

During this period ALRI issued two Final reports, two Reports for Discussion, four Consultation Memoranda, as well as a Joint Report by the four Western Provinces. Brief summaries are set out below.

Consultation Memorandum No. 12.19
Charter Applications in Criminal Cases

This Consultation Memorandum examines procedures for *Charter* applications in criminal cases tried in the Court of Queen's Bench of Alberta. Chapter 1 addresses some background issues bearing on the development of rules of court for *Charter* application procedures, including the need for rules to follow established legal principles, to provide for "fair notice" of applications, and to preserve judicial discretion. Chapter 2 reviews the regulation of *Charter* applications outside of the Court of Queen's Bench of Alberta. Chapter 3 reviews the current state of *Charter* application regulation in the Court of Queen's Bench of Alberta. Chapter 4 sets out the Committee's proposals respecting *Charter* application rules. Generally, the Committee proposes a standardized form for providing notice of *Charter* applications and proposes a standardized process for the scheduling and administration of applications.

Consultation Memorandum No. 12.20
Criminal Jury Trials: Challenge for Cause Procedures

This Consultation Memorandum addresses procedures in challenges for cause in criminal jury trials in the Court of Queen's Bench of Alberta. Chapter 1 provides background for the issues identified in Chapter 2. Accuseds have both statutory and constitutional rights to jury trials. Both the Crown and the accused are entitled to trials before fair and impartial

jury members. To secure this, the *Criminal Code* has established a number of procedures, including challenges for cause on the ground that a prospective juror is not indifferent between the accused and the Queen.

Consultation Memorandum No. 12.21
Civil Appeals

This consultation memorandum addresses the rules relating to civil appeals found currently in Part 39 and various other locations in the Rules. It also addresses Practice Directions relating to civil appeals.

Chapter 1 outlines a set of working principles that guide the policy decisions behind several proposals in this consultation memorandum. Chapter 2 reviews the many sources of procedural provisions that govern appeals. Chapter 3 begins by identifying factors that contribute to delay in the early stages of an appeal. Chapter 4 addresses the quality and content of appeal documents and recognises that the court needs appropriate materials to carry out its role. Chapter 4 also considers the penalties and consequences that should apply if faulty documents are presented for filing. Chapter 5 reviews applications to the court including notice periods and scope for streamlining the main steps in an application. Chapter 6 considers the topic of leave to appeal, including the notice period. Chapter 7 looks at measures for expediting appeals including Part J appeals and various statutory measures. Chapter 8 addresses a variety of topics under the heading of managing appeals. Chapter 9 reviews the powers of the court.

Report for Discussion No. 20
The Creation of Wills

What are the rules for creation of a will? Do they strike the right balance between ease of use and the significance of making a will?

Our rules are old, technical and subject to interpretation and exceptions. They can certainly be rationalised and modernised.

This report highlights a number of issues, including –

- at what age should a person be able to make a will?
- how many witnesses should be required?
- can a person make a will in their own handwriting?
- should a court be able to validate a will if a person makes a reasonable but imperfect attempt to meet the requirements?
- what should happen when a person loses their mental capacity to make or change a will?
- should there still be special rules for military wills?
- should electronic wills be valid?

This is technical law, but it affects all Albertans.

Western Canada Law Reform Agencies Joint Report
Enduring Powers of Attorney: Areas for Reform

Many people rely on enduring powers of attorney (EPAs) to authorize a representative, an "attorney" to handle their financial affairs while they are mentally incapable. In its report, *Enduring Powers of Attorney: Areas for Reform*, Western Canada Law Reform Agencies (WCLRA) recommends improvements in the EPA statutes of all four

western provinces to address common issues. These recommendations are designed to make it easier to use EPAs in cross-border situations, to promote wider understanding and knowledge of attorney duties, and to provide some additional safeguards against attorney misuse of an EPA.

Consultation Memorandum No. 13
Powers and Procedures of Administrative Tribunals

In recent years, administrative tribunals have had an important role to play in interpreting and applying the law through their adjudicative functions. For a large proportion of the population they are also a primary contact with the adjudicative role of government. For those administrative tribunals that make decisions affecting the rights and interests of individuals and businesses, there is no single coherent, accessible and logically consistent set of powers and procedures to govern these bodies. While the *Administrative Procedures and Jurisdiction Act* does provide a set of rules to guide tribunals in their decision-making function, its provisions do not reflect developments in the common law requirements of procedural fairness and tribunal practices. Further, it only applies to a limited number of tribunals.

This Consultation Memorandum proposes a Model Code of powers and procedures for administrative tribunals that exercise an adjudicative function. The Model Code is consistent with the requirements of procedural fairness and efficiency. It updates, reorganizes and streamlines the provisions contained in Alberta Law Reform Institute, *Powers and Procedures for Administrative Tribunals in Alberta*, Final Report No. 79 (1999). The Model Code draws from recent reform proposals in other jurisdictions, notably British Columbia and Saskatchewan.

Final Report No. 94
Enforcement of Judgments

How do you enforce a court judgment in Alberta when that judgment was obtained in another province or country?

The law on enforcing judgments from outside Alberta has been virtually the same since the 1920s. Under the current law, you have a number of options for enforcing a judgment from outside Alberta, but the outcome is always uncertain. There is no guarantee that the enforcement mechanism you choose will be successful in any particular case.

In 1990, the Uniform Law Conference of Canada began to develop uniform legislation to provide a modern framework for enforcing judgments across Canada. The Alberta Law Reform Institute has reviewed the legislation developed by the Uniform Law Conference, its impact on existing Alberta laws, and whether the legislation should be adopted.

The Institute's Final Report No. 94 on Enforcement of Judgments makes two recommendations –

1. Adopt the package of legislation developed by the Uniform Law Conference. The package includes three acts:
   - Uniform Enforcement of Canadian Judgments and Decrees Act
   - Uniform Enforcement of Foreign Judgments Act
   - Uniform Court Jurisdiction and Proceedings Transfer Act

2. Leave Alberta's reciprocal enforcement legislation in force for situations not dealt with by the three uniform Acts.

The three uniform Acts will increase certainty for enforcing judgments in Alberta. Most judgments appropriately obtained outside Alberta will be recognized by the Alberta courts and enforceable in Alberta.

If adopted, as the Institute recommends, this system will encourage businesses operating elsewhere in Canada and the world to conduct business within Alberta.

Final Report No. 95
Rules of Court Project

The project goal was to create rules that are clear, useful and effective tools for accessing a fair, timely and cost efficient civil justice system. The proposed rules are:

- short – arranged and written in plain English,
- clear – describe a logical step-by-step process for carrying out a lawsuit, and
- user-friendly – a single, comprehensive, consistent code of court procedure.

Effective dispute resolution is a critical aspect of creating fair and modern laws for Alberta.

The proposals and background material were presented to the Minister of Justice and Attorney General, Alison Redford, who stated:

> The proposal for the new Rules of Court from the Alberta Law Reform Institute has been a massive undertaking and represents a tremendous collaborative effort of many people and hours. I want to congratulate everyone who worked so hard on this significant project. It is another step forward as we look at our court processes and increase access to justice for Albertans.

Report for Discussion No. 21
Contracts for the Sale and Purchase of Land: Purchasers' Remedies

Under the present law, as stated in the decision of the Supreme Court of Canada in *Semelhago v. Paramadevan*, [1996] 2 S.C.R. 415 and the

decision of the Alberta Court of Appeal in *1244034 Alberta Ltd. v. Walton International Group Inc.* (2007), 422 A.R. 177 (C.A.) a purchaser under a contract for the sale and purchase of land who has completed the performance of their obligations under the contract is not entitled to an order for specific performance of the contract by the vendor if damages would be an adequate remedy. Damages will be an adequate remedy unless the land is unique in the sense that no parcel of land other than the parcel described in the contract would meet the needs of the purchaser. If a purchaser will not be entitled to specific performance they will not acquire an interest in land under the contract and will not be entitled to file a caveat against the title to the land.

In this Report for Discussion, we note that the propositions stated above that determine when specific performance is available come from the early history of the development of equitable remedies. We suggest that a more appropriate question would be as to which remedy, damages or specific performance, will generally better achieve the ends of justice (principally fairness, efficiency and effectiveness) as between vendor and purchaser. We compare the effects of the two remedies and express a preliminary opinion that specific performance will generally be fairer, more efficiently obtained and more effective than a damages award. We therefore express a preliminary opinion that a purchaser under a contract for the sale and purchase of land should generally be entitled to specific performance of the contract (subject to the same discretion and equitable defences that applied before *Semelhago*). We express a further opinion that a purchaser under a contract for the sale and purchase of land should acquire an interest in the land that may be protected by caveat.

Administrative Procedures

Adjudicative tribunals in Alberta occupy an important place in the justice system, but there is no single coherent (accessible and logically consistent) set of powers and procedures that govern these bodies. ALRI is revising and updating Report No. 79, *Powers and Procedures of Administrative Tribunals in Alberta* published in 1999. Consultation Memorandum No. 13 was published and distributed in September 2008. Comments received have been summarized. A final report will be forthcoming.

Contracts for the Sale and Purchase of Land

ALRI published a Report for Discussion in March 2009 expressing a preliminary opinion that, contrary to current law, a purchaser under a contract for the sale and purchase of land should generally be entitled to specific performance of the contract, and further that the purchaser should acquire an interest in the land that may be protected by caveat.

The deadline for comments was May 31, 2009. A summary and request for comments was also sent to local bar associations throughout Alberta. All comments are being considered and a final report will be published soon.

Enduring Powers of Attorney (WCLRA)

The Alberta Law Reform Institute is a member of Western Canada Law Reform Agencies (WCLRA), along with the British Columbia Law Institute, the Law Reform Commission of Saskatchewan and the Manitoba

Law Reform Commission. After publishing a Consultation Paper and consulting on it in all four provinces, WCLRA issued a Final Report in 2008 on *Enduring Powers of Attorney: Areas for Reform*. The Report recommends uniformity of certain key provisions in each western province's statute governing enduring powers of attorney (EPAs). Apart from those uniform provisions, each province's statute should remain unique. The proposed areas of statutory uniformity concern recognition of EPAs, duties of attorneys under EPAs and safeguards against misuse of EPAs. Key strategies involve clarifying attorney duties, communicating those duties to the attorney and family of an EPA donor, and facilitating scrutiny of attorneys' actions. Both a designated public official and financial institutions should have the power to freeze financial accounts if misuse is suspected.

Insurance Act

ALRI is maintaining a watching brief on a number of amendments to the *Insurance Act*, including provisions relating to limitations and notice requirements.

Matrimonial Property Act

In dealing with matrimonial property in the period between separation and trial, there are issues involving three areas:

1. Whether or not the discretion to order an unequal division is constrained.
2. What can or ought to be done in the interim period between separation and trial.
3. The pace of progress of an action once started.

A Feasibility Study and Project Plan have been received, the project is currently on hold.

Multi-Jurisdictional Class Proceedings

ALRI was involved in the ULCC Working Committee. The ULCC Project is complete. The recommendation for an opt-out mechanism for class members residing outside the jurisdiction will require changes to Alberta legislation.

Privity of Contract

ALRI prepared a preliminary study of the issue of whether the law should be reformed to enable third party beneficiaries to enforce contracts intended for their benefit A report for the Uniform Law Conference of Canada was also prepared, recommending that they undertake a law reform project on this issue. The ULCC has decided not to pursue a project at this time.

Rules Project

Final Report

On November 28, 2008, the Chair, the Director, and the Research Manager, met with the Minister, the Honourable Alison Redford, and presented to her ALRI's final report on the rules. The proposed new rules, the background research and the explanatory material are all included electronically in a compact disc which accompanies the hard copy report.

Appeals

The draft rules for the Court of Appeal have been received from the drafter and are being reviewed by ALRI counsel. The final version will be reviewed by the Appeals Working Committee.

Criminal Rules

The Criminal Rules Working Committee met to approve the final report on Consultation Memorandum 12.20. That report has been posted on ALRI's website. The Criminal Appeals Working Committee is working on a consultation memorandum on Criminal Appeal Rules.

Consequential Amendments

Reports on amendments to acts, amendments to regulations, and updated acts have been received from the drafter. The report on amendments to acts has been provided to Alberta Justice. Bill 31, *Rules of Court Statutes Amendment Act* received 2nd reading on May 26, 2009.

Succession Project – Beneficiaries

The purpose of this project was to identify and assess issues regarding non-testamentary beneficiary designations and loss of capacity. It is Currently on hold.

ALRI provided a response to Alberta Justice's request for comment on whether beneficiary designations to Tax Free Savings Accounts should be allowed in the *Trustee Act*.

Succession Project – Wills

As part of the ongoing Succession Project, ALRI published a Report for Discussion on the *Creation of Wills* in 2007, addressing issues such as privileged wills, testamentary capacity of minors, holograph wills, judicial wills for persons without testamentary capacity and various execution issues. A final report will be published later this year.

ALRI is also assisting Alberta Justice with its current legislative plan to reform succession statutes which will hopefully result in the implementation of many of ALRI's reports in this area.

ALRI is examining the areas of revocation, revival, and the alteration of testamentary documents. The issues ALRI is looking at include: compliance with formalities and the power to dispense with formalities; events that trigger automatic revocation (eg. marriage and divorce); and the treatment of adult interdependent relationships under succession law. A Report for Discussion will be published later this year.

ALRI has also done research on common law construction rules with respect to children. A consultation document will be published on this topic.

Surveys Act

This topic is in response to a Government request. The issues have been outlined and further investigation is to take place.

Title Insurance

Manitoba and Saskatchewan have published a joint report to which the Institute contributed research and advice. ALRI will prepare a feasibility study before undertaking significant further work.

Uniform Enforcement of Judgments

ALRI has published a final report recommending adoption of uniform acts and changes required for implementation.

	FINAL REPORT	ENACTMENT
1*	Compensation for Victims of Crime (1968)	Criminal Injuries Compensation Act, S.A. 1969, c. 22 (now Victims of Crime Act, R.S.A. 2000, c. V-3).
2*	Powers of Personal Representatives to Grant Options (June 1969)	An Act to amend The Wills Act, 1960, S.A. 1970, c. 114 (now Wills Act, R.S.A. 2000, c. W-12, s. 30). An Act to amend The Devolution of Real Property Act, S.A. 1970, c. 114 (now Devolution of Real Property Act, R.S.A. 2000, c. D-12, s. 12).
3*	Occupiers' Liability (December 1969)	Occupiers' Liability Act, S.A. 1973, c. 79 (now R.S.A. 2000, c. O-4).
4*	Age of Majority (January 1970)	Age of Majority Act, S.A. 1971, c. 1 (now R.S.A. 2000, c. A-6).
5*	Guarantees Acknowledgment Act, R.S.A. 1970, c. 173 (October 1970)	Principal recommendation for retention of Guarantees Acknowledgment Act (now R.S.A. 2000, c. G-11) accepted. Recommendations for incidental amendments not acted upon.
6*	Rule Against Perpetuities (August 1971)	Perpetuities Act, S.A. 1972, c. 131 (now R.S.A. 2000, c. P-5).
7*	Joinder of Divorce Proceedings with other Causes of Action (August 1971)	Alberta Rules of Court, Rule 563(3), Alta. Reg. 315/71.
8*	Assignment of Wages (October 1971)	Wage Assignments Act, S.A. 1972, c. 61 (now Fair Trading Act, R.S.A. 2000, c. F-2).
9*	Rule in *Saunders* v. *Vautier* (February 1972)	The Attorney General Statutes Amendment Act, 1973, S.A. 1973, c. 13, s. 12 amending the Trustee Act (now R.S.A. 2000, c. T-8, s. 42).
10*	Powers of Maintenance and Advancement (June 1972)	The Attorney General Statutes Amendment Act, 1974 (No. 2), S.A. 1974, c. 65, s. 9 amending the Trustee Act (now R.S.A. 2000, c. T-8, ss. 32, 34, 35, 36(3), 37).

	FINAL REPORT	ENACTMENT
11*	Common Promisor and Promisee: Conveyances with a Common Party (October 1972)	Common Parties Contracts and Conveyances Act, S.A. 1974, c. 20 (now Law of Property Act, R.S.A. 2000, c. L- 7, ss. 10-13; Land Titles Act, R.S.A. 2000, c. L-4, ss. 68, 69, 119).
12*	Expropriation (March 1973)	Expropriation Act, S.A. 1974, c. 27 (now R.S.A. 2000, c. E-13).
13*	Judicature Act, Section 24 (August 1974)	The Attorney General Statutes Amendment Act, 1974 (No. 2), S.A. 1974, c. 65, s. 9 striking out s. 24 of the Judicature Act, R.S.A. 1970, c. 193.
14	Minors' Contracts (January 1975)	
15*	Validity of Rules of Court (December 1974)	The Attorney General Statutes Amendment Act, 1976 (No. 2), S.A. 1976, c. 58, s. 6(4) amending the Judicature Act (now R.S.A. 2000, c. J-2, s. 63).
16*	Rule in *Hollington v. Hewthorn* (February 1975)	The Attorney General Statutes Amendment Act, 1976, S.A. 1976, c. 57, s. 1 amending the Alberta Evidence Act (now R.S.A. 2000, c. A-18, s. 26).
17*	Small Projects (June 1975)	The Workers' Compensation Amendment Act, 1976, S.A. 1976, c. 55, s. 2 (now Workers' Compensation Act, R.S.A. 2000, c. W-15, s. 20); The Attorney General Statutes Amendment Act, 1976 (No. 2), S.A. 1976, c. 58, s. 3 repealed the Bulk Sales Act, R.S.A. 1970, c. 37.

	FINAL REPORT	ENACTMENT
18*	Matrimonial Property (August 1975)	Matrimonial Property Act, S.A. 1978, c. 22 (now R.S.A. 2000, c. M-8), enacting a combination of the majority and minority proposals for the distribution of matrimonial property, and an extension of the recommendations on possession of the matrimonial home.
19*	Consent of Minors to Health Care (December 1975)	
20*	Status of Children (June 1976)	Substantially enacted, pursuant to the recommendations in Report 60 by the Family and Domestic Relations Statutes Amendment Act, 1991, S.A. 1991, c. 11 amending the Domestic Relations Act (now R.S.A. 2000, c. D-14, ss. 50(1), 77-84); the Family Relief Act (now R.S.A. 2000, c. F-4, s. 1(b)); and the Intestate Succession Act (now R.S.A. 2000, c. I-10, s. 1(b)).
21*	Purchase by a Company of Shares Which It Has Issued (January 1977)	The Companies Amendment Act, 1977, S.A. 1977, c. 13, s. 2 (now Business Corporations Act, R.S.A. 2000, c. B-9, ss. 30 and 31).
22*	Residential Tenancies (February 1977)	Landlord and Tenant Act, 1979, S.A. 1979, c. 17 (now Residential Tenancies Act, R.S.A. 2000, c. R-17), based in large part on our recommendations.
23*	Partition and Sale (March 1977)	Partition and Sale Act, S.A. 1979, c. 59 (now Law of Property Act, R.S.A. 2000, c. L-7, ss. 14-19, 20-33).
24	Survival of Actions and Fatal Accidents Act Amendment (April 1977)	Survival of Actions Act, S.A. 1978, c. 35 (now R.S.A. 2000, c. S-27; Fatal Accidents Act, R.S.A. 2000, c. F-8, ss. 5(2)(a), (b), 8; and Limitation of Actions Act, R.S.A. 2000, c. L-12, s. 53).

	FINAL REPORT	ENACTMENT
25	Family Law Administration: the Unified Family Court (April 1978)	
26	Family Law Administration: Court Services (April 1978)	Some recommendations carried out by administrative action.
27	Matrimonial Support (March 1978)	The Domestic Relations Amendment Act, 1977, S.A. 1977, c. 64 (now Maintenance Enforcement Act, R.S.A. 2000, c. M-1), establishing a collection service for support orders which is generally consistent with though different in detail from our recommendations, and providing improved collection procedures which are similar to but in several particulars more stringent than our proposals); The Social Development Amendment Act, 1977 (No. 2), S.A. 1977, c. 92 (now Social Development Act, R.S.A. 2000, c. S-12, ss .14, 15); The Consumer and Corporate Affairs Statutes Amendment Act, 1978, S.A. 1978, c. 49, s. 2 amending the Debtors' Assistance Act (now R.S.A. 2000, c. D-6, ss. 3(2), 3(3), 4(e)-(f), (6)). (Our proposals for change in the substantive law have not yet been implemented.)
28	Tenancies of Mobile Home Sites (April 1978)	Mobile Home Sites Tenancies Act, S.A. 1982, c. M-18.5 (now R.S.A. 2000, c. M-20).
29	Family Relief (June 1978)	
30*	The Builders' Lien Act: Certain Specific Problems (March 1979)	Builders' Lien Amendment Act, 1985, S.A. 1985, c. 14 (now Builders' Lien Act, R.S.A. 2000, c. B-7).
31	Contributory Negligence and Concurrent Wrongdoers (April 1979)	

	FINAL REPORT	ENACTMENT
32	Guest Passenger Legislation (April 1979)	Proclamation 5 July 1979 of previously enacted The Alberta Insurance Amendment Act, 1977, S.A. 1977, c. 76, s. 6 (now Insurance Act, R.S.A. 2000, c. I-3, s. 310) (This is not the principal recommendation of the Report). Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act, S.A. 1990, c. 22, s. 1 amending the Highway Traffic Act (now R.S.A. 2000, c. H-8).
33	Inter-Spousal Tort Immunity (April 1979)	Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act, S.A. 1990, c. 22, s. 2 amending the Married Women's Act (now R.S.A. 2000, c. M-6, s. 2(3)) and s. 3 amending the Contributory Negligence Act (now R.S.A. 2000, c. C-27).
34*	Service of Documents During Postal Interruptions (June 1979)	The Service of Documents During Postal Interruptions Act, S.A. 1980, c. 88 (now Judicature Act, R.S.A. 2000, c. J-2, ss. 43-47).
35*	Defamation: Fair Comment and Letters to the Editor (October 1979)	The Defamation Amendment Act, 1980, S.A. 1980, c. 11 (now Defamation Act, R.S.A. 2000, c. D-7, s. 9).
36*	Proposals for a New Alberta Business Corporations Act (August 1980), 2 vols.	Business Corporations Act, S.A. 1981, c. B-15 (now R.S.A. 2000, c. B-9).
37A	The Uniform Evidence Act 1981: A Basis for Uniform Evidence Legislation (June 1982)	
37B	Evidence and Related Subjects: Specific Proposals for Alberta Legislation (June 1982)	

	FINAL REPORT	ENACTMENT
38	The Uniform Sale of Goods Act (October 1982)	
39	Defences to Provincial Charges (March 1984)	
40	Judicial Review of Administrative Action: Application for Judicial Review (March 1984)	Court of Queen's Bench Amendment Act, 1987, S.A. 1987, c. 17 (now Court of Queen's Bench Act, R.S.A. 2000, c. C-31).
41	Compensation for Security Interests in Expropriated Land (May 1984)	
42	Debt Collection Practices (June 1984)	See generally, Civil Enforcement Act, S.A. 1994, c. C-10.5 (now R.S.A. 2000, c. C-15).
43	Protection of Children's Interests in Custody Disputes (October 1984)	
44	Statute of Frauds (June 1985)	
45*	Status of Children: Revised Report, 1985 (November 1985)	Substantially enacted, pursuant to the recommendations in Report 60 by the Family and Domestic Relations Statutes Amendment Act, 1991, S.A. 1991, c. 11 amending the Domestic Relations Act (now R.S.A. 2000, c. D-14, ss. 50(1), 77-84); the Family Relief Act (now R.S.A. 2000, c. F-4, s. 1(b)); and the Intestate Succession Act (now R.S.A. 2000, c. I-10, s. 1(b)).
46*	Trade Secrets (July 1986)	Draft statute adopted by Uniform Law Conference of Canada, Victoria, B.C., August 1987.
47	Survivorship (August 1986)	Reported to be in Alberta Justice's plan for transfer of property on death.

	FINAL REPORT	ENACTMENT
48	Matrimonial Property: Division of Pension Benefits Upon Marriage Breakdown (June 1986)	
49	Proposals for a New Alberta Incorporated Associations Act (March 1987)	Bill 54 (Volunteer Incorporations Act) introduced into Alberta Legislature, June 15, 1987.
50	Prejudgment Remedies for Unsecured Claimants (February 1988)	Civil Enforcement Act, S.A. 1994, c. C-10.5 (now R.S.A. 2000, c. C-15).
51	Proposals for a New Alberta Arbitration Act (October 1988)	Arbitration Act, S.A. 1991, c. A-43.1 (now R.S.A. 2000, c. A-43).
52	Competence and Human Reproduction (February 1989)	
53	Towards Reform of the Law Relating to Cohabitation Outside Marriage (June 1989)	
54	Financial Assistance by a Corporation: Section 42, The Business Corporations Act (Alberta) (August 1989)	Business Corporations Act, S.A. 2000, c. 10, s. 2 (now R.S.A. 2000, c. B-9, s. 45).
55	Limitations (December 1989)	Limitations Act, S.A. 1996, c. L-15.1 (now R.S.A. 2000, c. L-12).
56	The Bulk Sales Act (January 1990)	Miscellaneous Statutes Amendment Act, 1992, S.A. 1992, c. 21, s. 5 (repealed the Bulk Sales Act).
57	Section 16 of the Matrimonial Property Act (March 1990)	Miscellaneous Statutes Amendment Act, 1991, S.A. 1991, c. 21, s. 24 amending the Matrimonial Property Act (now R.S.A. 2000, c. M-8, s. 16).
58	Division of Canada Pension Plan Credits in Alberta (November 1990)	
59	Enduring Powers of Attorney (December 1990)	Powers of Attorney Act, S.A. 1991 c. P-13.5 (now R.S.A. 2000, c. P-20).

	FINAL REPORT	ENACTMENT
60	Status of Children: Revised Report, 1991 (March 1991)	Family and Domestic Relations Statutes Amendment Act, 1991, S.A. 1991, c. 11 amending the Domestic Relations Act (now R.S.A. 2000, c. D-14, ss. 50(1), 77-84); the Family Relief Act (now R.S.A. 2000, c. F-4, s. 1(b)); and the Intestate Succession Act (now R.S.A. 2000, c. I-10, s. 1(b)).
61	Enforcement of Money Judgments, 2 Vols., (March 1991)	Civil Enforcement Act, S.A. 1994, c. C-10.5 (now R.S.A. 2000, c. C-15).
62	Proposals for the Reform of the Public Inquiries Act (November 1992)	
63	Section 195 of the Land Titles Act (February 1993)	Miscellaneous Statutes Amendment Act, 1994, S.A. 1994, c. 23, s. 26 amending the Land Titles Act (now R.S.A. 2000, c. L-4, s. 203).
64	Advance Directives and Substitute Decision—Making in Personal Health Care (March 1993) *(A Joint Report of the Alberta Law Reform Institute and the Health Law Institute)*	Personal Directives Act, S.A. 1996, c. P-4.03 (now R.S.A. 2000, c. P-6).
65	The Domestic Relations Act (DRA) — Phase 1. Family Relationships: Obsolete Actions (March 1993)	
66	Non-Pecuniary Damages in Wrongful Death Actions—A Review of Section 8 of the Fatal Accidents Act (May 1993)	Fatal Accidents Amendment Act, 1994, S.A. 1994, c.16 (now R.S.A. 2000, c. F-8).
67	Transfers of Investment Securities (June 1993)	

	FINAL REPORT	ENACTMENT
68	Beneficiary Designations: RRSPs, RRIFs and Section 47 of the Trustee Act (September 1993)	Miscellaneous Statutes Act, 1994, S.A. 1994, c. 23, s. 46 amending the Trustee Act (now R.S.A. 2000, c. T-8, ss. 8(b), 47(1)(c), 47(3), 47(4)).
69	Proposals for a Land Recording and Registration Act for Alberta, 2 Vols., (October 1993)	Principles adopted in the Metis Settlements Land Registry Regulation (AR 361/91).
70	Mortgage Remedies in Alberta (June 1994)	
71	The Presumption of Crown Immunity (July 1994)	
72	Effect of Divorce on Wills (November 1994)	Reported to be in Alberta Justice's plan for transfer of property on death.
73	Revision of the Surrogate Rules (Final Report) (May 1996)	The principal statutory amendments of Report for Discussion 10 anticipating the new rules were enacted in the Miscellaneous Statutes Amendment Act, 1992, c. 21, s. 47. The Rules and Forms were enacted by Alta. Reg. 130/95.
74	Protection Against Domestic Abuse (February 1997)	Protection Against Family Violence Act, S.A. 1998, c. P-19.2 (now R.S.A. 2000, c. P-27).
75	"Last Clear Chance" Rule (August 1997)	Justice Statutes Amendment Act, 2000, S.A. 2000, c. 20, s. 72 amending the Contributory Negligence Act (now R.S.A. 2000, c. C-27, s. 3).
76	Should a Claim for the Loss of a Chance of Future Earnings Survive Death? (December 1998)	Justice Statutes Amendment Act, 2002, c. 17, s. 8 amending the Survival of Actions Act (now R.S.A. 2000, c. S-27, s. 5).
77	Limited Liability Partnerships (April 1999)	Partnership Amendment Act, S.A. 1999, c. 27 (now R.S.A. 2000, c. P-3).
78	Reform of the Intestate Succession Act (June 1999)	Reported to be in Alberta Justice's plan for transfer of property on death.

	FINAL REPORT	ENACTMENT
79	Powers and Procedures for Administrative Tribunals in Alberta (December 1999)	
80	Trustee Investment Powers (February 2000)	Trustee Amendment Act, S.A. 2001, c. 28.
81	Occupiers' Liability: Recreational Use of Land (February 2000)	
82	Cost of Credit Disclosure (February 2000)	Insurance Act, S.A. 1999, c. I-5.1, s. 855 and Miscellaneous Statutes Amendment Act, 1999, S.A. 1999, c. 26, s. 8 amending the Fair Trading Act (now R.S.A. 2000, c. F-2, Part 9, s. 66 and 69).
83	Division of Matrimonial Property on Death (May 2000)	Reported to be in Alberta Justice's plan for transfer of property on death.
84	Wills: Non-Compliance with Formalities (June 2000)	Reported to be in Alberta Justice's plan for transfer of property on death.
85	Class Actions (December 2000)	Class Proceedings Act, S.A. 2003, c. C-16.5
86	Non-Resident Trustees under the Dependent Adults Act (January 2002)	Recs. not included in Adult Guardianship and Trustee Act, S.A. 2008.
87	Report on a Succession Consolidation Statute (December 2002)	Reported to be in Alberta Justice's plan for transfer of property on death.
88	Enduring Powers of Attorney: Safeguards Against Abuse (February 2003)	
89	Limitations Act – Adverse Possession and Lasting Improvements (May 2003)	Limitation Statutes Amendment Act, S.A. 2007, c. 22, s. 1, amending the Limitations Act, R.S.A. 2000, c. L-12, s. 3.

	FINAL REPORT	ENACTMENT
90	Limitations Act – Standardizing Limitation Periods for Actions on Insurance Contracts (August 2003)	Justice Statutes Amendment Act, S.A. 2002, c. 17, amending the Limitations Act, R.S.A. 2000, c. L-12, s. 7.
91	Exemption of Future Income Plans (May 2004)	Bill 20, Civil Enforcement Amendment Act, S.A. 2009, c. 18, on proclamation.
92	Exemption of Future Income Plans on Death (May 2004)	Reported to be in Alberta Justice's plan for transfer of property on death.
93	Family Law Project – The Conclusion (June 2004)	Family Law Act enacted as S.A. 2003, c. F-4.5. Proclaimed November 2005.
94	Enforcement of Judgments (September 2008)	
95	Rules of Court Project (October 2008)	Bill 31, Rules of Court Statutes Amendment Act, 2009 – 2nd Reading (May 26, 2009)

	REPORTS FOR DISCUSSION	NOTE
1*	Protection of Trade Secrets (February 1984)	
2*	Matrimonial Property: Division of Pension Benefits upon Marriage Breakdown (May 1985)	
3*	Remedies of Unsecured Creditors (May 1986)	
4	Limitations (September 1986)	
5	Financial Assistance by a Corporation: Section 42, The Business Corporations Act (Alberta) (August 1987)	
6	Sterilization Decisions: Minors and Mentally Incompetent Adults (March 1988)	
7	Enduring Powers of Attorney (February 1990)	
8	Towards a New Alberta Land Titles Act (August 1990)	
9	Mortgage Remedies in Alberta (April 1991)	
10	Revision of the Surrogate Rules (October 1991)	
11*	Advance Directives and Substitute Decision—Making in Personal Health Care (November 1991)	
12	Non-Pecuniary Damages in Wrongful Death Actions — A Review of Section 8 of the Fatal Accidents Act (June 1992)	
13	Report on Liens (September 1992)	

	REPORTS FOR DISCUSSION	NOTE
14	The Matrimonial Home (March 1995)	
15*	Domestic Abuse: Toward an Effective Legal Response (June 1995)	
16	Reform of the Intestate Succession Act (January 1996)	
17	Division of Matrimonial Property on Death (March 1998)	
18	Family Law (October 1998) 18.1 Overview 18.2 Spousal Support 18.3 Child Support 18.4 Child Guardianship, Custody and Access	
19	Order of Application of Assets in Satisfaction of Debts and Liabilities (September 2001)	
20	The Creation of Wills (September 2007)	
21	Contracts for the Sale and Purchase of Land: Purchasers' Remedies (March 2009)	

	ISSUES PAPERS	NOTE
1	Towards a New Arbitration Act for Alberta (July 1987)	
2	Towards Reform of the Law Relating to Cohabitation Outside Marriage (October 1987)	
3	Public Inquiries (November 1991)	
4	Limited Liability Partnerships and Other Hybrid Business Entities (March 1998)	
5	Enduring Powers of Attorney (February 2002)	

DISCUSSION PAPERS		NOTE
1	Civil Litigation: The Judicial Mini-Trial (August 1993)	

	RESEARCH PAPERS	NOTE
1*	Rent Control; Security of Tenures (November 1975)	
2*	Entry of Landlord: Locks and Security Devices (November 1975)	
3*	Obligation to Repair; Security Deposits (November 1975)	
4*	Termination Procedures; Failure of Tenants to Pay Rent; Overholding Tenants (November 1975)	
6*	Resolution of Disputes; Landlord and Tenant (Advisory) Boards; Distress (November 1975)	
7*	Contract or Property Law; Form and Delivery of Lease; Right to Assign or Sublet (November 1975)	
8*	Mobile Homes (November 1975)	
9*	Consent of Minors to Medical Treatment (May 1975)	
10	Illegitimacy (June 1974)	
11*	Administration of Family Law: The Unified Family Court: Constitutional Opinions (May 1978)	
12*	Statute of Frauds (March 1979)	

	RESEARCH PAPERS	NOTE
13	Matrimonial Support Failures: Reasons, Profiles and Perceptions of Individuals Involved (Canadian Institute for Research in the Behavioural and Social Sciences: March 1981)	
14	Conference Materials, International Invitational Conference on Matrimonial and Child Support, 27-30 May 1981 (October 1982)	
15	Survey of Adult Living Arrangements: A Technical Report (November 1984)	
16	The Operation of the Unsecured Creditors' Remedies System in Alberta (March 1986)	
17*	Corporate Directors' Liability (February 1989)	
18	Report on Referees (February 1990)	The principal recommendation of Research Paper 18 was implemented by Alta. Reg. 308/91.
19	Dispute Resolution: A Directory of Methods, Projects and Resources (July 1990)	
20	Court-Connected Family Mediation Programs in Canada (May 1994)	
21	Recognition of Rights and Obligations in Same Sex Relationships (January 2002)	

CONSULTATION MEMORANDA

1 Division Of Pension Benefits Upon Marriage Breakdown (September 1995)

2 Reasonable Accommodation In The Workplace (November 1995)

3 Business Names Legislation (December 1996)

4 Should a Claim for Loss of Chance of Future Earnings Survive Death? (August 1997)

5 Should a Claim for Punitive Damages Survive Death? (December 1998)

6 Powers and Procedures for Administrative Agencies: Model Code (April 1999)

7 Trustee Investment Powers (September 1999)

8 Wills: Non-Compliance with Formalities (December 1999)

9 Class Actions (March 2000)

10 Standardizing Limitation Periods for Actions on Insurance Contracts (December 2001)

11 Creditor Access to Future Income Plans (June 2002)

13 Powers and Procedures of Administrative Tribunals (September 2008)

CONSULTATION MEMORANDA
Rules Project Series

12.1 Commencement of Proceedings in Queen's Bench (October 2002)

12.2 Document Discovery and Examination for Discovery (October 2002)

12.3 Expert Evidence and "Independent" Medical Examinations (February 2003)

12.4 Parties (March 2003)

12.5 Management of Litigation (March 2003)

12.6 Promoting Early Resolution of Disputes by Settlement (July 2003)

12.7 Discovery and Evidence Issues: Commission Evidence, Admissions, Pierringer Agreements and Innovative Procedures (July 2003)

12.8 Pleadings (October 2003)

12.9 Joining Claims and Parties, Including Third Party Claims, Counterclaims, and Representative Actions (February 2004)

12.10 Motions and Orders (July 2004)

12.11 Enforcement of Judgments and Orders (August 2004)

12.12 Summary Disposition of Actions (August 2004)

CONSULTATION MEMORANDA
Rules Project Series

12.13 Judicial Review
(August 2004)

12.14 Miscellaneous Issues
(October 2004)

12.15 Non-Disclosure Order
Application Procedures in
Criminal Cases
(November 2004)

12.16 Trial and Evidence Rules –
Parts 25 and 26
(November 2004)

12.17 Costs and Sanctions
(February 2005)

12.18 Self-Represented Litigants
(March 2005)

12.19 Charter Applications in
Criminal Cases (June 2006)

12.20 Criminal Jury Trials:
Challenge for Cause
Procedures (April 2007)

12.21 Civil Appeals (April 2007)

PRACTICE MANUALS

Alberta Surrogate Forms

- Integration of rules and forms
- Comprehensive collection of forms
- Computer templates including completion instructions
- User notes

Arbitration Clauses Guide

- Checklists of procedural rules under the Act
- Discussion of sample clauses and agreements
- Complete set of procedural rules ready for adoption

(*Manuals are available from the Legal Education Society of Alberta*)

OTHER PUBLICATIONS

Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada (A report by the Joint Land Titles Committee — Alberta, British Columbia, Manitoba, The Council of Maritime Premiers, N.W.T., Ontario, Saskatchewan and Yukon) (July 1990)

Final Revisions. Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada. (A report by the Joint Land Titles Committee — Alberta, British Columbia, Manitoba, N.W.T., Ontario, Saskatchewan and Yukon) (March 1993)

The Self-Regulation of the Legal Profession in Canada and in England and Wales by W.H. Hurlburt. Co-published by: The Law Society of Alberta and the Alberta Law Reform Institute. (January 2000)

Enduring Powers of Attorney: Areas for Reform by the Western Canada Law Reform Agencies (2008)

AVAILABLE ON OUR WEBSITE <http://www.law.ualberta.ca/alri>

Torrens Elusive Title (1978)

Alberta Rules of Court Project – Issues Paper for the Legal Community (October 2001)

Alberta Rules of Court Project – Public Consultation Paper and Questionnaire

Alberta Justice - Alberta Family Law Reform 2002
Submission by the Alberta Law Reform Institute - March 28, 2002

Investment by Nonprofit Entities – Feasibility Study (May 2002)

Alberta Rules of Court Project – Public Consultation Report (September 2002)

Alberta Rules of Court Project – Report on Legal Community Consultation (September 2002)

Alberta Rules of Court Project – Family Law Issues Paper (October 2002)

Alberta Rules of Court Project – Judicial Review and Administrative Law – Identified Issues (March 2003)

Alberta Rules of Court Project – Focus Group Report (April 2003)

Alberta Rules of Court Project – Interim Report (February 2004)

Non-Disclosure Order Application Procedures in Criminal Cases
Report on Consultation Memorandum 12.15 (September 2005)

Matrimonial Property Legislation Valuation Dates, Background Paper (November 2005)

Charter Applications in Criminal Cases
Report on Consultation Memorandum 12.19 (February 2007)